

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 14-20542
Honorable David M. Lawson

CYNTHIA CLAYTON-LONDON,

Defendant.

**ORDER DIRECTING COMPETENCY EXAMINATION, ADJOURNING TRIAL, AND
DETERMINING EXCLUDABLE DELAY**

On October 2, 2014, the defendant filed a motion for a competency hearing. The Court reviewed the defendant's motion and heard oral argument in open court on October 9, 2014. The Court determined that there is reasonable cause to believe that the defendant may be suffering from a mental disease or defect that may render her incompetent to stand trial within the meaning of 18 U.S.C. § 4241(a) & (d). As a result, the Court directed that a competency examination take place, adjourned trial, and held that the delay would be excluded under the Speedy Trial Act.

Accordingly, it is **ORDERED** that the defendant's motion for competency evaluation [dkt. #14] is **GRANTED**.

It is further **ORDERED** that Jack P. Haynes, Ph.D, a psychologist, be and is appointed, authorized, and directed to examine the mental condition of defendant Cynthia Clayton-London in accordance with 18 U.S.C. §§ 4241(a),(b), 4247(b), at the expense of the government.

It is further **ORDERED** that the defendant be committed to the custody of the Attorney General for such psychiatric or psychological examination for a period not to exceed 30 days. *See* 18 U.S.C. § 4247(b). However, the 30 day period shall not commence until November 10, 2014 to

permit defense counsel to gather records of prior mental health treatment and furnish them to Dr. Haynes.

It is further **ORDERED** that the examination shall take place at the facility designated by the United States Marshal that has custody of the defendant, who is presently detained without bond.

It is further **ORDERED** that the United States Marshal shall inform the Court, the defendant's attorney, Nancy L. McGunn, and the attorney for the government immediately upon designation of a facility for the examination, at which time the Court will enter a separate order for transportation of the defendant to that facility.

It is further **ORDERED** that the examining psychologist prepare, as soon as practical, a written report that includes (1) the defendant's history and present symptoms; (2) a description of the psychiatric, psychological, and medical tests that were employed and their results; (3) the examiner's findings; and (4) the examiner's opinions as to diagnosis, prognosis, and whether the defendant is suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense as required by 18 U.S.C. §§ 4241(b), 4247(c).

It is further **ORDERED** that the examiner promptly file the written report with this Court and provide copies of the report to the defendant's attorney, Nancy L. McGunn, and the attorney for the government in accordance with 18 U.S.C. § 4247(c).

It is further **ORDERED** that trial is **ADJOURNED** pending the outcome of the competency examination. The Court will issue a new trial date once it has reviewed the report.

It is further **ORDERED** that the period beginning October 2, 2014 and ending with the conclusion of the competency hearing held under 18 U.S.C. §§ 4241 and 4247, which will take place

after the Court and parties receive the examiner's written report, be deemed excludable delay under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(1)(F) and (h)(1)(A), and the period beginning the day after the conclusion of the competency hearing and ending with the Court's ruling on the defendant's mental competency or with the lapse of 30 days, whichever occurs first, be deemed excludable delay pursuant to 18 U.S.C. § 3161(h)(1)(J).

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 15, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 15, 2014.

s/Marilyn Orem
MARILYN OREM